

# EXHIBIT 1

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

\_\_\_\_\_  
KEVIN POLLACK,

Plaintiff,

X

Case No.: 23-cv-04582 (KAM) (SJB)

**DEFENDANTS' OBJECTIONS  
AND RESPONSES TO  
PLAINTIFF'S FIRST SET OF  
DOCUMENT DEMANDS**

-against-

JODIE LOUISE GORDON (also known as  
JODY GORDON) and FUSION MODELS  
BK LLC.

Defendants.

\_\_\_\_\_  
X

TO: Plaintiff Kevin Pollack, by and through his counsel of record, David Kasell, Esq.,  
Kasell Law Firm, 1038 Jackson Avenue, #4, Long Island City, NY 11101.

Pursuant to Rules 26 and 44 of the Federal Rules of Civil Procedure, Jodie Louise  
Gordon (also known as Jody Gordon) and Fusion Modeling Models, BK LLC  
(Defendants'), by and through its counsel of record, hereby serves its Objections and  
Responses to Plaintiff's First Set of Document Demands.

**GENERAL OBJECTIONS**

1. Defendants object to the Requests to the extent that they purport to impose  
requirements beyond the scope of the Federal Rules of Civil Procedure of the Local Civil  
Rules of this Court.

2. Defendant objects to the Requests to the extent that they seek documents or  
information protected from discovery by the attorney client privilege, the work product  
privilege, or any other applicable privilege or protection. Such information and

documents shall not be deemed a waiver of any applicable privilege, protection or immunity, and Defendant reserves the right to request the return of any such documents inadvertently produced.

3. Defendants object to the Requests to the extent that they seek documents or information not relevant to the claims or defenses of any party or not reasonably calculate to lead to the discovery of admissible evidence.

4. Defendants object to Plaintiff's request because and to the extent that the terms or phrases contained therein are vague, ambiguous or undefined.

5. Defendants object to Plaintiff's request because and to the extent that it fails to identify the documents that are sought with reasonable particularity.

6. Defendants object the Requests to the extent that they are overly broad, unduly burdensome, harassing, duplicative or unnecessary.

7. Defendants object to the Request to the extent that they seek documents or information that is outside of the Defendants' possession, custody or control, or that is in the possession, custody or control of Plaintiff, or that is equally available to Plaintiff, including from publicly available sources.

8. Defendants object to the Requests to the extent that they assume disputed facts or legal conclusions in defining the information sought. Defendants hereby deny any such disputed facts or legal conclusions. Any documents or information provided by Defendants with respect to any such request is without prejudice to this objection, and Defendants do not, by responding to any Request, adopt or agree with such disputed facts or legal conclusions.

9. Defendants object to the Requests to the extent they purport to require a search of all electronic media on Defendants' custody, possession or control, including computer back-up tapes or other inaccessible electronic data, on the ground that such a search could be overly broad, unduly burdensome or oppressive.

10. Defendants object to the Requests to the extent they purport to require a search of all electronic media in Defendant's custody, possession or control, including computer back-up tapes or other inaccessible electronic data, on the ground that such a search would be overly broad, unduly burdensome and oppressive.

11. Defendants object to the Requests to the extent that they seek documents or information that contains confidential, proprietary or commercially sensitive information or trade secrets. Defendants' documents or information that contains confidential, proprietary or commercially sensitive information or trade secrets. Defendants' documents contain highly confidential, sensitive, proprietary and non public information, including financial, trade secret and other business information. After a confidentiality and/or protective order is entered into by the Court in this case, Defendant will produce such documents pursuant thereto.

12. Defendants object to the Requests to the extent that they purport to require the production of documents outside of the relevant time period.

13. Each of Defendants' specific responses and objections to the Requests set forth below incorporates, and is without waiver of, each of the foregoing General Objections. Defendants' responses and objections are based on information known to it at this time and are without waiver of its right to supplement these responses and/or assert additional objections should it discover additional information or grounds for objection.



14. These responses and objections are made without, in any way, waiving; (i) any objections to the competency, relevancy, materiality, privilege or admissibility as evidence for any purpose, of any documents or information produced in response to the Requests; and (ii) the right to object on any ground to the use of any documents or information produced in response to the Requests at any hearing or trial.

15. In addition, no response or objection made herein, or lack thereof, shall be deemed an admission by Defendant as to the existence or nonexistence of documents or information. Because discovery in this matter is ongoing, Defendant expressly reserves the right to supplement and amend its responses. However, Defendant does not assume any responsibility to supplement these responses beyond the provisions of the Federal Rules of Civil Procedure and the Local Civil Rules of this Court.

16. These general Objections are continuing and are incorporated by reference in each and every response set forth below.

17. By providing the information below, Defendants do not in any way waive or intend to waive but rather intends to preserve and is preserving (a) all objections to competency, relevance, materiality and admissibility of the responses or the subject matter thereof; (b) all objections as to vagueness, ambiguity or undue burden; (c) all rights to object on any grounds to the user of any said responses or the subject matter thereof, in any subsequent proceedings, including the trial of this or any other actions; and (d) all rights to object on any ground to any request for further responses to these or any other discovery requests involving or relating to the subject matter of this document request.

18. Defendants are opting to produce copies instead of permitting an inspection.

DOCUMENTS REQUESTED

1. Objection. This demand is objected to on the grounds that it is unduly burdensome and oppressive insofar as it seeks information already in Plaintiff's possession and/or control. Defendants provide the following responsive documents annexed hereto as **D-0001-D0079.** There are no documents withheld.
2. Responsive documents are annexed hereto as **"D-0080-D-000498."** There are no documents being withheld.
3. Objection. This demand is objected to on the grounds that it is unduly burdensome and oppressive insofar as it seeks information already in Plaintiff's possession and/or control as far as Plaintiff was the signatory on the accounts. Responsive documents annexed hereto as **"D-000499-D-0001122."** There are no documents being withheld.
4. Objection as to time frame. Responsive documents are annexed hereto as **"D-0001316-D-0002139."** There are no documents withheld.
5. Responsive documents annexed hereto as **"D-0001123-D-0001141."** There are no documents being withheld.
6. Objection. Defendants object to this request on the grounds that it is unduly burdensome and oppressive insofar as it seeks information already in Defendant's possession and/or control. Subject to the foregoing objections, Defendants provide the following responsive demands annexed hereto as **"D-0001141-D-0001145."** Loans were applied online. There are no documents that Defendants are withholding.
7. Objection. Defendants' object to this request on the grounds that it is unduly burdensome and oppressive insofar as it seeks information already in Plaintiff's possession and/or control. Subject to the foregoing objection, Defendants are not in any possession nor are they withholding any copies of the applications and

information provided in connection with the Paycheck Protection Program (hereinafter “PPP”) and Economic Injury Disaster Loan (EIDL) and/or grants funds and the SBA except what was provided **“D-0001141-D-0001145.”**

8. Objection. This demand is objected to on the grounds that it is unduly burdensome and oppressive insofar as it seeks information already in Plaintiff’s possession and/or control. After a diligent search Defendants have not identified any documents responsive to this request in their possession, custody or control.
9. Objection. Subject to the foregoing objections, Defendants provide the following responsive demands annexed hereto as **“D-000-D-1260”** and **“D-0001146-D-0001246.”** There are no documents being withheld.
10. Objection. This demand is objected to on the grounds that it is unduly burdensome and oppressive insofar as it seeks information already in Plaintiff’s possession and/or control. Defendants further object to this request because and to the extent that it seeks information that is not relevant and not reasonably calculated to lead to discovery of relevant, admissible evidence, that the terms of phrases contained therein are vague, ambiguous, or undefined, and to the extent that it fails to identify the information that is sought with reasonable particularity
11. Objection. Defendants further object to this request because and to the extent that it seeks information that is not relevant and not reasonably calculated to lead to discovery of relevant, admissible evidence, that the terms of phrases contained therein are vague, ambiguous, or undefined, and to the extent that it fails to identify the information that is sought with reasonable particularity. Subject to the foregoing




objections, Defendants provide the following responsive demands annexed hereto as  
“D-000499-D-0001122.”

12. Objection. There is no Zelle account statements other than what is listed on the bank account statements. Subject to the foregoing objections, Defendants provide the following responsive demands annexed hereto as “D-000499-D-0001122.”
13. Objection. This demand is further objected to on the grounds that it is overbroad because it does not specify which documents/information Plaintiff seeks that is not already in their possession. With respect the winding up, subject to the foregoing objections, Defendants provide the following responsive demands annexed hereto as “D-00001246-D-00001251 There are no documents being withheld.
14. Objection. This demand is objected to on the grounds that it is overbroad and vague because it does not specify which documents/information Plaintiff seeks that is not already not in their possession.

Defendants reserves the right to amend, supplement and/or change its responses herein up to and including the time of trial.

Dated: Brooklyn, New York  
October 31, 2024



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